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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON May 20, 2010
J. Michael Staller
Executive Director

STATE OF NEW JERSEY
DEP'T OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS
OAL DKT NO. BDSPTS 6375-2009S

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF
SALLY A. WRIGHT, Psy.D.
License #35SI 00355100
TO PRACTICE PSYCHOLOGY
IN THE STATE OF NEW JERSEY :

ADMINISTRATIVE ACTION

FINAL ORDER
OF REVOCATION OF LICENSE

This matter was first presented to the State Board of Psychological Examiners by the Administrative Complaint filed July 8, 2009, Verified as to the Allegations Common to All Counts and as to Counts 1, 2 and 3, by the Attorney General of New Jersey, by Joan D. Gelber, Sr. Deputy Attorney General, seeking emergent temporary suspension of the license of Respondent to practice the profession of psychology, and for other relief pursuant to the authority conferred on the Board by N.J.S.A. 45:14B-1 et seq., 45:1-14 et seq., and related administrative regulations including N.J.A.C. 13:42-1 et seq. and N.J.A.C. 13:45C-1 et seq. The Complaint alleged violations of N.J.S.A. 45:1-18; of N.J.S.A. 45:1-21(b), (c), (d), (e), (h) and (i); of N.J.S.A. 45:14B-14; and of N.J.A.C. 13:45C-1 et seq.

An Order to Show Cause why the license of Respondent should not be emergently suspended was issued by the Board, based upon the Complaint and supporting documents alleging numerous

serious violations of law, rule and accepted standards of practice relating in part to Dr. Wright's private practice under the entity name, "Wellspring Resources Unlimited," her alleged aiding and abetting of unlicensed practice under that entity name by an individual identified as Lawrence/Larry Brotzen, alleged fraudulent billing, and failure to comply with investigative demands as required by N.J.S.A. 45:1-18.

Respondent Sally A. Wright, Psy.D., represented by Rocco C. Cipparone, Jr., Esq., waived her right to defend at the hearing, and consented to the emergent temporary suspension of her license pending the completion of the administrative hearing to be scheduled, and further Order of the Board. The Board entered the Order of Temporary Suspension on July 13, 2009¹, and transmitted the case to the Office of Administrative Law for hearing. Respondent filed an Answer on July 31, 2009.

Prior to the initial hearing date, scheduled to be conducted at the Office of Administrative Law by the Hon. Ana C. Viscomi, ALJ, Respondent entered a plea to health care fraud, a federal felony, in violation of 18 U.S.C. 1347 and 18 U.S.C. 2, in the matter of U.S. v. Sally Wright, Criminal Number 10-280 (WJM) on April 20, 2010 before the Honorable William J. Martini in the United States District Court of New Jersey. The Waiver of Indictment and related documents were accepted; the Plea was accepted and sentencing for that offense will be determined by the District Court on or about July 28, 2010.

An Amended Complaint was filed, without objection, with the Office of Administrative Law by Complainant Attorney General herein, alleging that the entry and acceptance of the plea to health

¹Shortly after entry of the Board Order suspending Respondent's license, Respondent was placed on administrative duties and provided no clinical services to patients at the Veterans Administration Hospital.

care fraud constitutes a basis for disciplinary sanction before the State Board of Psychological Examiners pursuant to N.J.S.A. 45:1-21(f); Summary Disposition on that Count would be sought.

Respondent Dr. Wright, having conferred with her attorney, has determined to admit the Allegations Common to All Counts and Counts 1 through 5 and Count 7. Respondent pleads no contest to Count 6 regarding patients including K.T. and D.R.

Respondent has agreed to surrender her license to practice psychology in the State of New Jersey with prejudice, to be deemed a revocation, and to pay certain costs, reimbursements, and penalties.

Respondent has represented that the name of her business entity, "Wellspring Resources Unlimited," was a fictitious name and was never formally incorporated and registered with the State of New Jersey. As it was an integral part of the scheme to which Respondent has now pled guilty in both the federal criminal and civil administrative proceedings, and the Board's July 13, 2009 Interim Order of Suspension of License had forbidden "all activities to date rendered under the entity name 'Wellspring Resources Unlimited,' including all rendition of professional services, all billing and all collection activities," Respondent has agreed to immediately destroy all New Jersey office letterhead stationery bearing her name and/or that of "Wellspring Resources unlimited," and to permanently cease and desist from any use of that entity name.

Respondent, by her signature consenting to the terms and entry of this Order, certifies that she has not issued and will not issue any billing statements, or seek to collect any outstanding bills, for any clinical psychology and/or mental health services billed since January 2000 in her name or in the name of "Wellspring Resources Unlimited" but rendered in whole or in part by Lawrence/Larry Brotzen.

Respondent has also agreed to assure that her recently formed entity, "Alliance Consulting Group, Inc." shall immediately cease all promotional business activities identifying herself as a psychologist, clinical psychologist holding credentials in psychology, and/or relating to any offer of mental health services to any individual, corporate entity, social organization, or to the public at large, in such manner as to lead a reasonable person to believe that she is currently authorized to offer services in a mental health profession.² She has also agreed to take reasonable measures to assure that no other person, unlicensed in this State to offer professional mental health services, shall offer any of the above representations or services under the name Alliance Consulting Group, Inc." or any other or successor entity with which Respondent is financially associated.³

The Board, having considered the matter, and having considered Respondent's proposal and representations herein, and relying thereon, and finding that the public interest will be adequately protected,

IT IS, ON THIS *20th* DAY OF *May* 2010

ORDERED:

1. The license of Respondent Sally A. Wright, Psy.D. to practice psychology in the State of New Jersey is hereby revoked; Respondent shall promptly deliver her wall certificate

²Nothing herein shall preclude Respondent from stating her educational credentials; however, she shall notify the Board of the date she commences marketing her availability and/or that of her entity, and as of the date she gives the first such presentation and for the first year thereafter, she shall provide to the Board a copy of all marketing materials and personal introduction information, issued in any and all forms of media, including internet web sites.

³See Paragraph 2 of the Disciplinary Directives, attached and incorporated in this Order.

license to the Board⁴;

2. Respondent shall issue no billing statements for any clinical psychology and/or mental health services rendered by her personally since July 13, 2009;

3. Respondent shall issue no billing statements, or seek to collect any outstanding bills, for any clinical psychology and/or mental health services billed since January 2000 in her name or in the name of "Wellspring Resources Unlimited" but rendered in whole or in part by Lawrence/Larry Brotzen ;

4. Respondent shall make diligent efforts to notify by regular mail all patients treated and/or billed by Respondent since January 1, 2003, and shall promptly notify by certified mail all patients treated since January 1, 2009, to allow retrieval by the patients or their guardians of their records, pursuant to N.J.A.C. 13:42-8.1(h)1, 2 and 3 and shall so certify to the Board.

5. Respondent shall reimburse patients and insurance carriers as set forth on Attachment A hereto. Respondent shall issue a single certified check or U.S. postal money order payable to the New Jersey Division of Consumer Affairs, from which will issue individual reimbursement checks to the patients to the extent available and proportional. Payment shall be delivered to the Board offices at 124 Halsey Street, 6th floor, P.O. Box 45017, Newark, NJ 07101, and is due and payable no later than 10 days from the entry of this Order. If full payment is not timely made, a Certificate of Debt, with interest in accordance with R. of Court 4:42-11(a) shall be filed pursuant to N.J.S.A. 45:1-24. That portion of the Certificate of Debt shall be discharged upon payment in full. Respondent shall receive credit for all sums paid as restitution pursuant to such Order as may be

⁴Respondent has returned her most recent State registration. She has represented that to date, she has been unable to locate the wall certificate license and will, if it is found, promptly forward it to the Board.

issued by the Hon. William J. Martini, U.S.D.J., in the matter of U.S. v. Sally Wright, Criminal No. 10-280.

6. In light of the civil and criminal circumstances and anticipated disposition of this matter, and on condition that Respondent timely complies with all other provisions of this Order, the State Board of Psychological Examiners will waive demand for additional funds for reimbursement of other investigative and litigation expenses, but Respondent shall pay to the State Board of Psychological Examiners \$25,000.00 in penalties for the conduct set forth in Counts 1 through 7 pursuant to N.J.S.A. 45:1-25. A Certificate of Debt shall be filed. Penalty shall be paid by certified check or money order made payable to the State of New Jersey, and is due in full no later than ten (10) days following issuance of sentence in the criminal proceedings. Payment shall be made by certified check or U.S. postal money order payable to the State of New Jersey.

7. In the event Respondent is sentenced to a term of incarceration in the above-referenced federal criminal case, she may request to pay the penalty (only) in installments, which may be approved by the Board in its sole discretion for good cause shown. If approved, Respondent shall be permitted to pay the debt in 36 monthly payments of \$695.00. The first installment shall be due and owing as of the first day of the month after Respondent is released from imprisonment, and R. of Court 4:42-11(a) shall apply as of that date.⁵ Respondent shall immediately notify the Board of the release date. Each subsequent installment payment shall be due on the first day of each subsequent month. In the event that a monthly payment is not received within five days of its due date, the entire balance of the civil penalty shall immediately become due and owing.

⁵Respondent may petition the Board for modification of the installment plan for good cause shown.

8. Respondent shall comply with the attached Directives which are hereby incorporated within this Order.

9. All Exhibits filed with the initial Administrative Complaint which identify patients or their families, and documents subsequently obtained during the remainder of the investigation which identify patients or their families, shall continue to be sealed to protect patient confidentiality.

10. Respondent has been made aware that the New Jersey Division of Criminal Justice has been informed of this matter.

11. The entry of this Order shall not limit the authority of the Attorney General or of any other person or agency to initiate any further action permitted by law, whether administrative, civil or criminal, in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction.

12. It is intended by the parties that this Order shall resolve all administrative and license issues with Respondent, which were alleged as violations by the Attorney General in the consolidated Administrative Complaints, with regard to her responsibility to the State Board of Psychological Examiners, and solely in connection with Professional Board law and rules.

THIS ORDER IS EFFECTIVE UPON ENTRY.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

By: Nancy E. Friedman Ph.D.
Nancy E. Friedman, Ph.D., Chair

I understand and consent to the entry
of this Order and will abide by its terms.

Sally A. Wright Psy.D.
Sally A. Wright, Psy.D.
Rocco C. Cipparone, Jr., Esq.
Rocco C. Cipparone, Jr., Esq.
Counsel to Dr. Wright

ATTACHMENT A

<u>Patient/family</u>	<u>Reimbursement Due</u>
S.C. for patient A.C.	\$ 4,736.00
L.F.	\$12,963.00
L.F. for patient N.F.	\$ 1,769.00
L.F. for T.F.	\$ 1,929.00
S.L. for S.L. and J.L.G.	\$ 5,210.00
J.H.	\$ 8,194.00
R.L. and M.L. for E.L.	\$ 1,040.00
E.O'B.	\$ 5,694.00
P.O'B.	\$ 1,687.00
D.Q. and D.Q. for P.Q.	\$ 4,920.00
J.Q.	\$ 260.00
E.B-R. for B.W	\$ 1,465.00
D.R. for D.R. and B.R.	\$10,000.00
P.T. and N.T. for P.T., N.T. and K.T.	\$10,292.00
 TOTAL	 \$70,159.00

**BOARD OF PSYCHOLOGICAL EXAMINERS: DIRECTIVE REGARDING
FUTURE ACTIVITIES OF BOARD LICENSEE WHOSE LICENSE
HAS BEEN SUSPENDED/REVOKED OR SURRENDERED, AND
REGARDING USE OF THE PROFESSIONAL PREMISES**

_____A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

1. Document Return and Agency Notification.

The disciplined practitioner shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, NJ 07102 the original license and current biennial registration. (With respect to suspensions of a finite term, at the conclusion of the term the practitioner may contact the Board office for the return of the documents previously surrendered to the Board.)

2. Practice Cessation.

The disciplined practitioner shall cease and desist from engaging in the practice of psychology in this State. This prohibition bars a practitioner not only from rendering professional services, but also from providing an opinion as to professional practice or its application, or from representing him/herself as being eligible to practice as a psychologist or in any way assuming to be a practicing professional such as a counselor, psychotherapist, psychoanalyst, therapist or other mental health care worker. (Although the disciplined practitioner need not affirmatively advise patients or others of the revocation, suspension or surrender, the practitioner must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined practitioner may contract for, accept payment from another licensee for, or rent at fair market value, office premises and/or equipment. In no case may the disciplined practitioner authorize, allow or condone the use of his/her provider number by the practice or by any other licensee or health care provider. (In situations where the practitioner has been suspended for less than one year, the practitioner may accept payment from another professional who is using his/her office during the period that the practitioner is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A practitioner whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The practitioner must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the practitioner's name is utilized in a group practice, it shall be deleted.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations.

A disciplined practitioner shall not charge, receive or share in any fee for professional services rendered by him/her or others while barred from engaging in the professional practice. The

practitioner may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A disciplined practitioner who is a shareholder in a professional service corporation or limited liability corporation or partnership organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act (N.J.S.A. 14A:17-11) or as an eligible shareholder in a limited liability entity. A disqualified practitioner shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c) and from financial interest in the limited liability entity. Such divestiture shall occur within ninety (90) days following the disqualification to own shares in the corporation. Upon divestiture, the disciplined practitioner shall forward to the Board a copy of the documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the disciplined practitioner is the sole shareholder in a professional service corporation or limited liability entity, the corporation must be dissolved within ninety (90) days of the practitioner's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the disciplined practitioner shall ensure that, during the three (3) month period following the effective date of the disciplinary Order, a message shall be delivered to persons telephoning the former office premises advising where records may be obtained. The message should inform patients of the names and telephone numbers of the disciplined practitioner (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted. At the end of the three month period, the disciplined practitioner shall file with the Board the name and telephone number of the contact person who will have access to records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her treatment record or asks that the record be forwarded to another licensed health care provider, the disciplined practitioner shall promptly provide the record without charge to the patient.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Psychological Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence (if not sealed or otherwise subject to a protective order), are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a psychologist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the Association of State and Provincial Psychology Boards, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.